

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 TRSE-00 DHA-02 SS-15 A-01 NSC-05
SP-02 CU-02 SIL-01 LAB-04 L-03 OPR-02 H-01 PRS-01
PA-01 USIA-06 MMO-01 /062 W
-----011508 201433Z /46

R 201130Z JUN 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 2316
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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EO 11652 NA
TAGS ELAB OGEN PINT SHUM BR
SUBJECT: FEDERAL DEPUTY SENDS LETTER TO MRS. CARTER SAYING THAT
US EMBASSY VIOLATES HUMAN RIGHTS OF ITS EMPLOYEES

1. SUMMARY: FEDERAL DEPTUY ALVARO VALLE HAS ACCUSED THE US EMBASSY
IN BRAZIL OF VIOLATING THE HUMAN RIGHTS OF ITS EMPLOYEES BY NOT
PROVIDING THEM WITH ALL THE BENEFITS PROVIDED BY BRAZILIAN LABOR
LEGISLATION. VALLE, WHO RECENTLY GAINED PROMINENCE FOR HIS
REPEATED ASSERTIONS THAT THE LETTER ADDRESSED TO MRS. CARTER
FROM UNIVERSITY OF BRASILIA STUDENTS HAD BEEN WRITTEN BY AN
AMERICAN, MADE HIS MOST RECENT ACCUSATION IN A LETTER TO MRS. CARTER
WHICH WAS DELIVERED TO THE RIO CONGEN ON THE AFTERNOON OF MONDAY
JUNE 13. COPIES OF THE LETTER WERE ALSO SUPPLIED TO THE BRAZILIAN
PRESS AND MOST MAJOR BRAZILIAN JOURNALS HAVE GIVEN SOME COVERAGE
TO HIS CHARGES. ORIGINAL OF THE LETTER IS BEING SENT DEPARTMENT
BY POUCH. A SUGGESTED REPLY INCLUDED IN THIS MESSAGE. END SUMMARY.

2. THE PRIMARY ALLEGATION OF THE VALLE LETTER, WHICH BEGINS BY
NOTING THE OTHER LETTERS RECEIVED IN BRAZIL BY MRS. CARTER AND ADDS
THAT HUMAN RIGHTS WAS THE MAIN TOPIC OF HER RECENT TRIP THROUGH
LATIN AMERICA, IS THAT THE US EMBASSY DOES NOT TREAT ITS BRAZILIAN
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EMPLOYEES IN ACCORDANCE WITH BRAZILIAN LABOR LEGISLATION. VALLE,
WHO IS AN ARENA MEMBER FROM RIO, SAID THAT EMBASSY EMPLOYEES HAD
COMPLAINED TO HIM OF THIS SITUATION AS WELL AS THE ALLEGED
INSUFFICIENCY OF RECENT WAGE INCREASES AND THE DOWNWARD RECLASSI-
FICATION OF VARIOUS EMPLOYEES IN THE WAKE OF THE EMBASSY'S
LATEST WAGE SURVEY. THE LETTER
TTTTLOO#CASTIGATE THE US FOR

HAVING WITHDRAWN FROM VIET NAM, AND ACCUSES PRESIDENT CARTER OF HAVING CALLED IN "MADISON AVENUE SPECIALISTS" IN AN EFFORT TO BEGIN AN INTERNATIONAL CAMPAIGN TO REFURBISH THE US IMAGE. VALLE'S LETTER ALSO SUGGESTS HUMAN RIGHTS STUDIES OF THE CURRENT SITUATION IN A HARLEM PRECINCT AND THE COTTON BELT AND CONCLUDES BY REQUESTING THAT THE US PROVIDE BRAZIL WITH A MODEL FOR HUMAN RIGHTS ACTIVITY, BEGINNING WITH "...A NOTE FROM YOUR AMBASSADOR SAYING THAT ALL BRAZILIANS WHO WORK FOR THE USG WILL RECEIVE, AT THE LEAST, THOSE GUARANTEES PROVIDED BY BRAZILIAN LABOR LEGISLATION."

3. VALLE'S MAIN COMPLAINTS ABOUT EMBASSY TREATMENT OF ITS EMPLOYEES ARE CONTAINED IN THE FOLLOWING TWO PARAGRAPHS:
--"DURING YOUR (MRS. CARTER'S) TRIP, I WAS SOUGHT OUT BY BRAZILIANS WHO WORK FOR YOUR GOVERNMENT, WHO TOLD ME OF THE DIFFICULT SITUATION IN WHICH THEY FIND THEMSELVES. NOT ONE OF THE EMPLOYEES OF THE EMBASSY OR THE CONSULATES IN BRAZIL HAS HIS WORKING PAPERS SIGNED. YOU WILL NOT KNOW WHAT THIS MEANS IN TERMS OF A VIOLATION OF HUMAN RIGHTS, BUT YOUR ADVISERS CAN EXPLAIN THAT. IT MEANS THAT ANY BRAZILIAN CAN BE DISMISSED AT ANY TIME FROM THE AMERICAN MISSION IN WHICH HE WORKS, WITHOUT RECOURSE TO ANY APPEAL.

--"I ASK YOU TO CONSIDER WHAT THIS MEANS TO WORKERS WHO BELIEVE IN JUSTICE AND AMERICAN IDEALS. CURRENTLY, ADMINISTRATIVE CHIEFS OF YOUR MISSIONS PRESSURE THEIR EMPLOYEES TO RESIGN, AND THEREBY (THE CHIEFS) SHOW THEIR EFFICIENCY AND ABILITY TO ECONOMIZE. IN 1975, BRAZILIAN EMPLOYEES OF THE USG, WHO RECEIVE THEIR WAGES LIMITED OFFICIAL USE

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IN CRUZEIROS, RECEIVED A 25 PERCENT SALARY INCREASE; IN 1976, THE INCREASE WAS 15 PERCENT. IN 1977, A RECLASSIFICATION PLAN RESULTED IN THE MAJORITY OF BRAZILIAN EMPLOYEES HAVING THEIR JOB CLASSIFICATIONS LOWERED BY SEVERAL LEVELS. NOT EVEN BRAZILIAN PUBLIC EMPLOYEES HAVE SUFFERED SO."

4. VALLE'S MENTION OF "WORKING PAPERS" IS A REFERENCE TO THE "CARTEIRA DO BRABALHO" WHICH ALL BRAZILIAN WORKERS MUST OBTAIN BY REGISTERING WITH THE LOCAL OFFICE OF THE LABOR MINISTRY ONCE THEY BEGIN EMPLOYEMENT. THE EMPLOYERS SIGNATURE ON THIS CARD, REGISTERED WITH THE LABOR MINISTRY, IS FORMAL RECOGNITION OF EMPLOYEMENT AND BINDS THE EMPLOYER TO ACCORD THE EMPLOYEE ALL RIGHTS PROSCRIBED BY BRAZILIAN LABOR LELATION. THESE INCLUDE 30 DAYS PAID VACATION A YEAR, AN ANNUAL BONUS OF ONE MONTH'S SALARY, PAYMENT BY THE EMPLOYER OF 8 PERCENT OF THE EMPLOYEE'S MONTHLY WAGE TO INPS (THE GOB SOCIAL SECURITY AND HEALTH BENEFITS ORGANIZATION), AND RECOGNITION OF THE JURISDICTION OF THE BRAZILIAN LABOR COURT SYSTEM OVER ANY DISPUTES ARISING BETWEEN EMPLOYER AND EMPLOYEE.

5. THE EMBASSY DOES NOT, IN FACT, SIGN THESE "WORKING PAPERS" NOR DOES IT FOLLOW BRAZILIAN LABOR LEGISLATION IN ITS DEALINGS WITH LOCAL EMPLOYEES. THE IMMENSE MAJORITY OF OTHER DIPLOMATIC

MISSIONS IN BRAZIL ALSO DO NOT FOLLOW THIS LEGISLATION IN DEALING WITH THEIR EMPLOYEES.

6. FYI: A BILL, INTRODUCED BY SENATOR VASCONCELOS TORRES (ARENA-RJ), WHICH WOULD OBLIGE ALL FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS WITH OFFICES IN BRAZIL TO FOLLOW BRAZILIAN LABOR LAWS IN DEALING WITH LOCAL EMPLOYEES IS CURRENTLY BEING CONSIDERED BY THE SENATE. THE BILL HAS ALREADY BEEN APPROVED BY THE SENATE JUDICIARY COMMITTEE BUT IS GIVEN ALMOST NO CHANCE OF PASSAGE AS ATTEMPTS TO APPLY IT TO DIPLOMATIC MISSIONS WOULD RUN COUNTER TO GENERALLY ACCEPTED DIPLOMATIC PRACTICE. IN PART BECAUSE OF

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ACTION ARA-14

INFO OCT-01 ISO-00 TRSE-00 DHA-02 SS-15 A-01 NSC-05
SP-02 CU-02 SIL-01 LAB-04 L-03 OPR-02 H-01 MMO-01
PRS-01 PA-01 USIA-06 /062 W
-----011613 201432Z /46

R 201130Z JUN 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 2317
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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CONGRESSIONAL PRESSURES, WE UNDERSTAND THAT THE FOREIGN MINISTRY IS PREPARING GUIDELINES FOR DIPLOMATIC MISSIONS ON EMPLOYMENT CONDI-

TIONS OF BRAZILIAN LOCALS. GUIDELINES WILL BE ONLY RECOMMENDATORY.

7. EXCERPTS FROM THE VALLE LETTER WERE PUBLISHED IN MOST MAJOR BRAZILIAN NEWSPAPERS TUESDAY, ALTHOUGH NOT IN THE JORNAL DO BRASIL. CORREIO BRAZILIENSE, A GOVERNMENT MOUTHPIECE AT TIMES, RAN THE STORY ON THE FRONT PAGE AND CARRIED A FULL TEXT OF THE LETTER

,
AS DID O GLOBO. O GLOBO ALSO CARRIED AMBASSADOR CRIMMIN'S CHARACTERIZATION AS "NONSENSE" OF THE LETTER'S ASSERTION THAT LOCAL EMPLOYEES ARE BEING PRESSURED TO RESIGN. O ESTADO, FOLHA DE DAO PAULO, AND JORNAL DE BRASILIA ALSO RAN SMALL-OR MEDIUM-SIZED ARTICLES.

8. CORREIO BRAZILIENSE WEDNESDAY CARRIED VALLE'S RESPONSE THAT, "I DON'T THINK THE QUESTION OR WORK GUARANTEES IS NONSENSE," AND HE ADDED, "THE US EMBASSY UTILIZES INTERNATIONAL CONVENTIONS IN ORDER TO DISRESPECT RIGHTS... IF ANY OTHER EMBASSY ACTS IN THE SAME MANNER IT IS IRRELEVANT IN THIS CASE. THE OTHERS AREN'T TRYING TO TEACH US HOW TO RESPECT HUMAN RIGHTS." WEDNESDAY JORNAL DO BRASIL CARRIED VALLE REMARKS AND AMBASSADOR CRIMMIN'S LIMITED OFFICIAL USE

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STATEMENT THAT ANY REPLY TO THE LETTER WOULD HAVE TO COME FROM WASHINGTON. O ESTADO ALSO CARRIED AMBASSADOR'S STATEMENT AS WELL AS BALANCED ACCOUNT OF EMBASSY-LOCAL EMPLOYEE WORKING AND CONTRACT RELATIONSHIP.

9. COMMENT: VALLE IS A FORMER CAREER DIPLOMAT WITH A GOOD KNOWLEDGE OF ENGLISH AND PREVIOUS SERVICE ON BRAZIL'S DELEGATION TO ILO. VALLE HAS A HISTORY OF IDENTIFICATION WITH LOCAL EMPLOYEES LABOR ISSUES AND SEVERAL MONTHS AGO TRIED TO ENCOURAGE A PROTEST DEMONSTRATION IN FRONT OF CONGEN RIO. HE IS AN OCCASIONAL GUEST COLUMNIST FOR JORNAL DE BRASILIA. WE HAVE CONSIDERED THE POSSIBILITY THAT VALLE HAS BEEN STIMULATED BY THE MILITARY OR SOME SECTORS OF THE EXECUTIVE BRANCH TO PUBLICIZE THE PRESUMED FOREIGN ORIGINS OF THE UNIVERSITY STUDENT'S LETTER OR THE ALLEGATION OF MISTREATMENT OF BRAZILIAN LOCALS. SOURCES IN FOREIGN MINISTRY, HOWEVER, WERE QUOTED IN JORNAL DO BRASIL ON JUNE 16 AS SAYING VALLE'S LETTER TO MRS. CARTER WAS "HASTY AND APPALLING," CONSIDERING THAT GAINS OF MRS. CARTE'S VISIT TO BRAZIL COULD BE HARMED IF WHITE HOUSE CONSIDERS LETTER "INSOLENT." SOURCES WERE ALSO REPORTED AS EXPRESSING CONCERN THAT FACT THAT VALLE IS CAREER DIPLOMAT COULD LEAD TO MIS-INTERPRETATION THAT HE REFLECTS VIEWS OF FOREIGN MINISTRY. VALLE'S LETTER IS WRITTEN MORE FOR A BRAZILIAN AUDIENCE THAN AN AMERICAN ONE. JOURNALISTS IN BRASILIA SPECULATED THAT THE LETTER REPRESENTS AN ATTEMPT BY VALLE TO REGAIN PRESTIGE AFTER HAVING BEEN PROVEN INCORRECT IN HIS REPEATED ASSERTIONS THAT THE STUDENTS LETTER WAS WRITTEN BY AN AMERICAN. MANY OF THE GRIEVANCES HE MENTIONS, HOWEVER, DO REPRESENT OPINIONS HELD AT ONE TIME OR ANOTHER BY AT LEAST A PORTION OF THE BRAZILIAN EMPLOYEES OF THE

EMBASSY. ORIGINAL OF HIS LETTER TO MRS. CARTER, ALONG WITH AN INFORMAL TRANSLATION, ARE BEING POUCHED TO ARA/ECA. END COMMENT.

10. EMBASSY SUGGESTS THAT DEPARTMENT REPLY TO DEPUTY VALLE'S LETTER IN BEHALF OF MRS. CARTER. TONE OF REPLY SHOULD BE FIRM LIMITED OFFICIAL USE

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AND DIGNIFIED BUT IT SHOULD DEAL ONLY IN GENERAL TERMS WITH QUESTION OF LOCAL EMPLOYEE RELATIONS. WHILE WE WILL NOT RELEASE THE LETTER, WE SHOULD WRITE IT WITH THE ASSUMPTION THAT VALLE HIMSELF WILL RELEASE ALL OR PART OF IT. POSSIBLY, REPLY COULD BE SIGNED BY COUNTRY DIRECTOR ZIMMERMANN FOR MRS. CARTER. FOLLOWING IS A SUGGESTED TEXT FOR THE LETTER:

11. BEGIN TEXT:DEAR DEPUTY VALLE: MRS. CARTER HAS ASKED ME TO REPLY TO YOUR LETTER OF JUNE 13 REGARDING THE CONDITIONS OF EMPLOYMENT OF BRAZILIAN CITIZENS WHO WORK FOR THE US DIPLOMATIC MISSION IN BRAZIL AND THE ACCOMPANYING QUESTIONS YOU RAISE.

12. THE US GOVERNMENT TAKES PRIDE IN ITS GOOD EMPLOYMENT POLICIES IN BRAZIL AND IS ALSO PROUD THAT WE HAVE MANY BRAZILIAN EMPLOYEES WHO HAVE SERVED THE US GOVERNMENT FOR MANY YEARS WITH DISTINCTION.

WE THINK THAT THE FACTS THEMSELVES CONFIRM THE DESIRABILITY OF THE US GOVERNMENT AS AN EMPLOYER. A SIGNIFICANT INDICATOR IS THE LARGE NUMBER OF APPLICATIONS FOR EACH POSITION THAT HAS BECOME OPEN IN ANY OF THE US GOVERNMENT AGENCIES IN BRAZIL. MOREOVER, THE RATE OF TURNOVER OF OUR EMPLOYEES IN BRAZIL IS WELL BELOW THE WORLD WIDE AVERAGE, AND WE HAVE IN BRAZIL A RELATIVELY LARGE PERCENTAGE OF EMPLOYEES WHO HAVE LONG PERIODS OF SERVICE WITH THE US GOVERNMENT.

THE WAGE SCALE OF OUR LOCAL BRAZILIAN EMPLOYEES IS DETERMINED BY PREVAILING MARKET CONDITIONS AND, AS A MATTER OF POLICY, IS MAINTAINED AT THE SAME LEVEL AS THAT OF THE MOST PROGRESSIVE EMPLOYERS IN BRAZIL.

13. WITH REGARD TO THE MATTER OF HUMAN RIGHTS, WHICH YOU DISCUSSED IN YOUR LETTER, AS PRESIDENT CARTER AND MORE RECENTLY MRS. CARTER HAVE POINTED OUT FREQUENTLY, THE US IS PROUD OF ITS PROGRESS IN HUMAN RIGHTS IN ALL FIELDS, THOUGH WE RECOGNIZE THAT WE STILL HAVE MUCH TO DO. AN EXPRESSION OF THIS FIRM COMMITMENT TO HUMAN RIGHTS WAS PRESIDENT CARTER'S DECISION IN APRIL THAT THE US WOULD SIGN THE AMERICAN CONVENTION ON HUMAN RIGHTS. SIMILARLY, TO LIMITED OFFICIAL USE

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UNDERSCORE THE DESIRE OF THE US TO IMPROVE THE OPERATIONS OF THE

INTER-AMERICAN HUMAN RIGHTS COMMISSION, SECRETARY OF STATE VANCE
ANNOUNCED ON JUNE 15 THAT THE INTER-AMERICAN HUMAN RIGHTS COMMISSION
COULD ENTER THE US FREELY AND INVESTIGATE ANY MATTER IT FEELS SHOULD
BE LOOKED IN TO. SECRETATARY VANCE ALSO SAID THAT IF OTHER MEMBER
STATES OF THE OAS WERE ALSO TO GRANT THE COMMISSION THE SAME FREE
ACCESS TO THEIR NATIONAL TERRITORY, THE COMMISSION WOULD BE ABLE
TO CARRY OUT ON-SITE INVESTIGATIONS AT TIMES AND PLACES OF ITS
CHOOSING. HIS STATEMENT REFLECS THE BELIEF OF THE US THAT THIS
FREE ACCESS WOULD REDUCE MISUNDERSTANDINGS OF THE DISSEM
INATION OF FALSE INFORMATION ABOUT HUMAN RIGHTS CONDITIONS.
I APPRECIATE YOUR EXPRESSION OF INTEREST IN THE WELFARE OF
BRAZILIAN EMPLOYEES OF THE US ANDYOUR CONCERN FOR THE ADVANCEMENT
OF HUMAN RIGHTS, WHICH MY GOVERNMENT BY ITS ACTIONS HAS SHOWN
THAT IT FULLY SHARES.END TEXT OF LETTER.
JOHNSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Copy: SINGLE
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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From: BRASILIA
Handling Restrictions: n/a
Image Path:
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Litigation Code IDs:
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Litigation History:
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Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2100157
Secure: OPEN
Status: NATIVE
Subject: FEDERAL DEPUTY SENDS LETTER TO MRS. CARTER SAYING THAT US EMBASSY VIOLATES HUMAN RIGHTS OF ITS EMPLOYEES
TAGS: ELAB, OGEN, PINT, SHUM, BR, US, (ALVARO VALLE), (CARTER, ROSALYNN)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/1a5c827a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009